

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION
OF THE KINGDOM OF DENMARK
(SKATTERFORVALTNINGEN) TAX
REFUND SCHEME LITIGATION

This document relates to: All cases.

MASTER DOCKET

18-md-2865 (LAK)

Oral Argument Requested

**NOTICE OF DEFENDANTS' AND THIRD-PARTY DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 56**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated April 29, 2022; the Joint Rule 56.1 Statement of Undisputed Material Facts (Dkt. 790), dated April 22, 2022; Defendants' Rule 56.1 Statement of Material Facts, dated April 29, 2022; the Declaration of Kasper Bech Pilgaard, dated April 29, 2022, with all exhibits thereto; the Declaration of Anders Ørgaard, dated November 22, 2021; and all supporting party and attorney declarations and exhibits, Defendants and the third-party Defendant in the bellwether cases,¹ by

¹

Bellwether Case No.	Defendants
19-cv-1898	RJM Capital Pension Plan; Richard Markowitz
19-cv-1866	Basalt Ventures LLC Roth 401(k) Plan; John van Merkensteijn; Michael Ben-Jacob
19-cv-1812	Roadcraft Technologies LLC Roth 401(k) Plan; Ronald Altbach; Michael Ben-Jacob; Robert Klugman; Richard Markowitz; RAK Investment Trust; Routt Capital Trust
18-cv-4051	The Proper Pacific LLC 401K Plan; Doston Bradley
18-cv-10098	The FWC Capital LLC Plan; Roger Lehman
18-cv-9841	American Investment Group of New York, L.P. Pension Plan; Stacey Kaminer; Robert Crema; Acer Investment Group, LLC; ED&F Man Capital Markets Ltd. (third-party defendant)

their undersigned attorneys, will move the Court before the Honorable Lewis A. Kaplan at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, Courtroom 21B, at a date and time to be determined by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure² granting judgment to Defendants, and for such other and further relief as the Court deems just and proper.

Dated: April 29, 2022

Respectfully submitted,

/s/ Alan Schoenfeld

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18-cv-9840	Riverside Associates Defined Benefit Plan; David Schulman; Acer Investment Group, LLC; ED&F Man Capital Markets Ltd. (third-party defendant)
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² Third-Party Defendant ED&F Man Capital Markets, Ltd. (“ED&F”) joins this Motion pursuant to Rule 14(a)(2)(C) of the Federal Rules of Civil Procedure.

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